



Keeping Northwest California wild since 1977

April 6, 2016

J. Keith Gilless, Chairman
State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

RE: EPIC Testimony for Administrative Appeal Hearing of Disapproval of Timber Harvest Plan 1-15-014DEL

Dear Chairman Gilless and Board of Forestry:

The following testimony is provided on behalf of the Environmental Protection Information Center (EPIC) as part of the Administrative Appeal Hearing on the Disapproval of Timber Harvest Plan (THP) 1-15-014DEL by CAL FIRE. EPIC intends for this testimony to be made part of the Administrative Record for these proceedings, and accordingly, anticipates that the manner of transmittal of this testimony will adequately serve for this purpose.

EPIC concurs with the basis of disapproval of THP 1-15-014DEL, as articulated by CAL FIRE in its January 21, 2016 Denial/Return Letter. At issue here is the landowner, RPF, and even consulting biologist failure to properly identify, disclose, and protect a known- rookery for Great Blue Heron that is situated inside the THP unit footprint. Protections for nesting Great Blue Heron and rookeries are clearly spelled out at 14 CCR 919.3. The California Department of Fish and Wildlife, the trustee agency for protection and conservation of the state's wildlife resources, appropriately provided the landowner and RPF with a formal Consultation, and CAL FIRE has rightly stood behind the necessity and legal basis and authority for the mitigations and recommendations contained in the consultation.

The RPF letter requesting an Administrative Appeal Hearing before the Board, dated February 1, 2016, does not provide any basis upon which the RPF or landowner believe that CAL FIRE has erred in any way, legally or otherwise, in making the disapproval of the THP. Given that there appears to be no actual legal basis for the appeal, EPIC strongly supports CAL FIRE's determination, and its authority under the Forest Practice Act and Rules to make determinations of disapproval as warranted and necessary. EPIC therefore strongly urges the Board

Environmental Protection Information Center
145 G Street Suite A Arcata, CA 95521
(707) 822-7711
www.wildcalifornia.org

to uphold the Department's disapproval and to reject what appears to be an entirely legally-baseless challenge to the Department's authority.